

AO 120 (Rev. 3/04)

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**REPORT ON THE  
 FILING OR DETERMINATION OF AN  
 ACTION REGARDING A PATENT OR  
 TRADEMARK**

In compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court for the District of Maryland on the following

Patents or  Trademarks:

DOCKET NO. RDB-09-2804	DATE FILED 10/27/09	U.S. DISTRICT COURT FOR THE DISTRICT OF MARYLAND 101 W. Lombard Street, Baltimore, MD 21201
PLAINTIFF Mesh Comm, LLC	DEFENDANT PEPCO ENERGY SERVICES et al	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	7,379,981	
2		
3		
4		
5		

In the above-entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
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In the above-entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT
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CLERK  
Felicia C. Cannon



(BY) DEPUTY CLERK  
DATE  
10/30/09

US 7,379,981 B2

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U.S. Patent

May 27, 2008

Sheet 1 of 14

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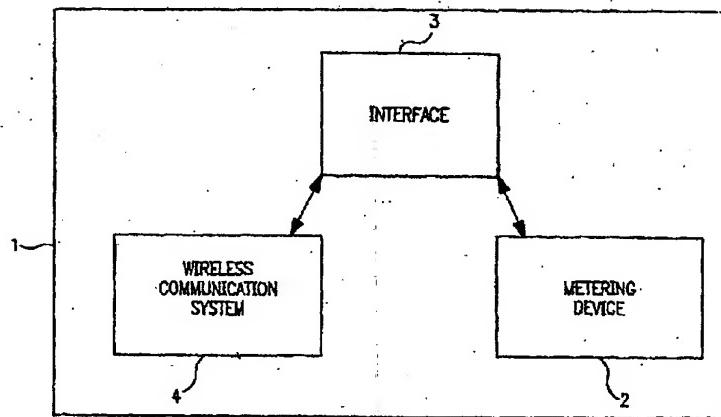


FIG. 1

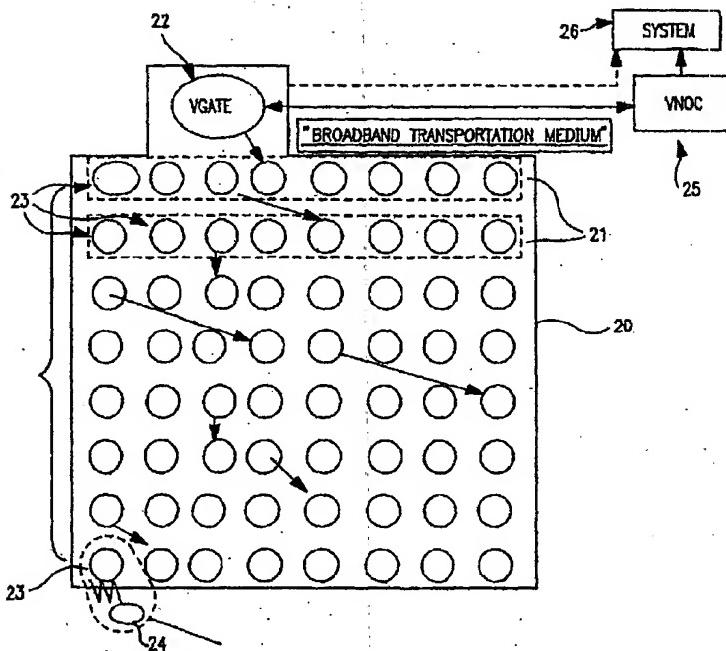
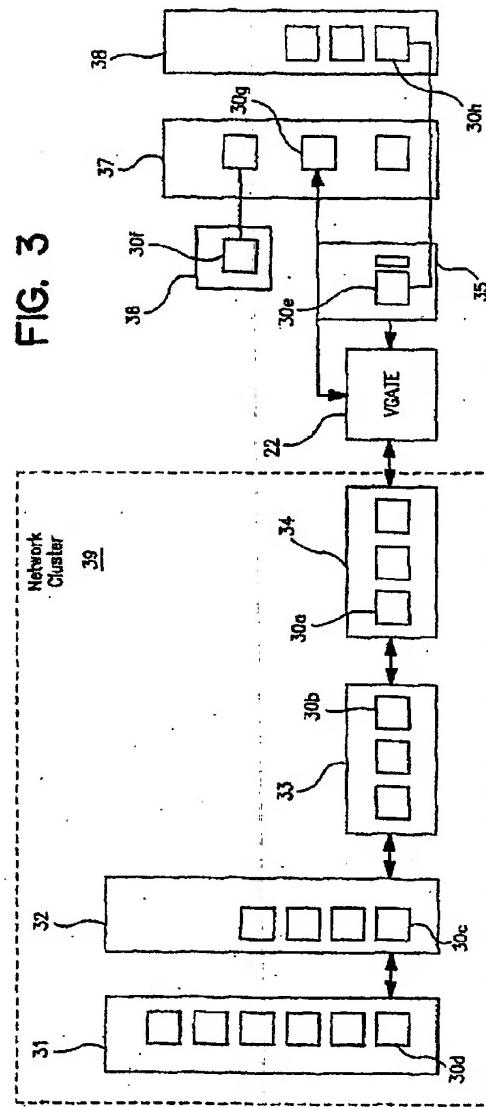
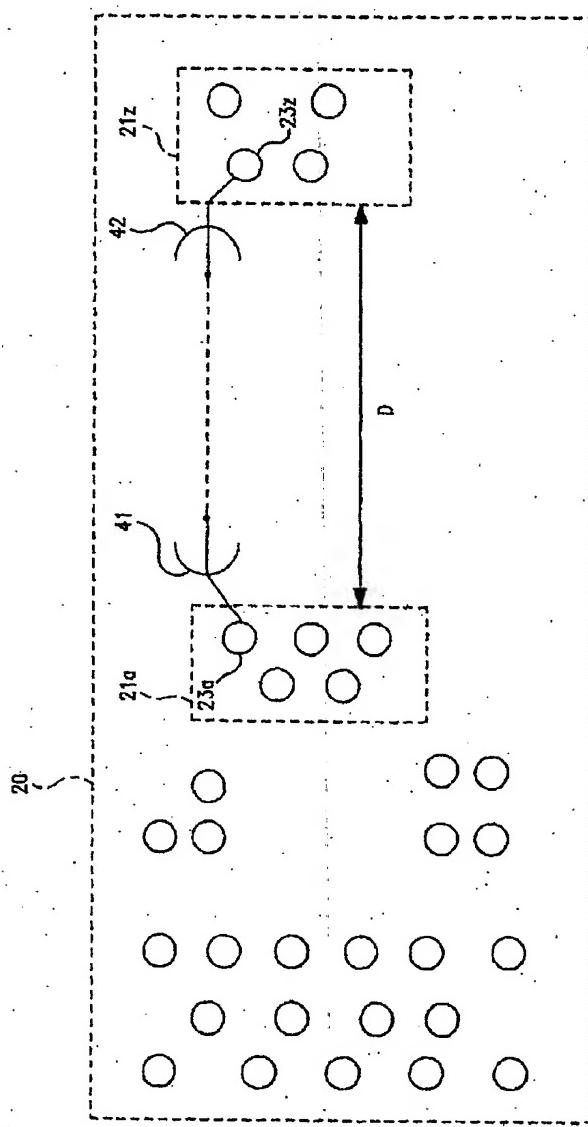
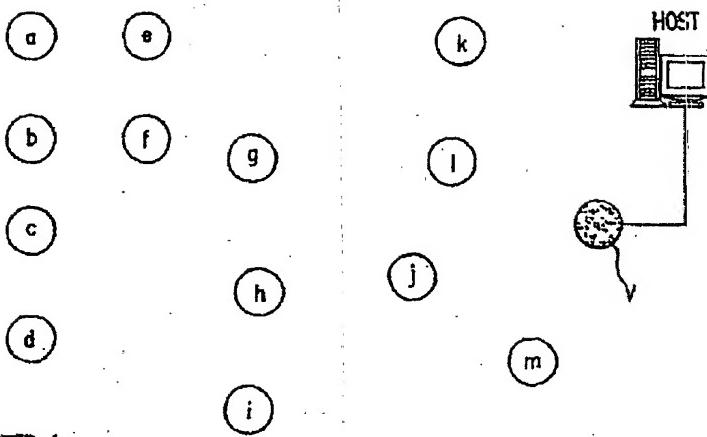


FIG. 2

**FIG. 3**

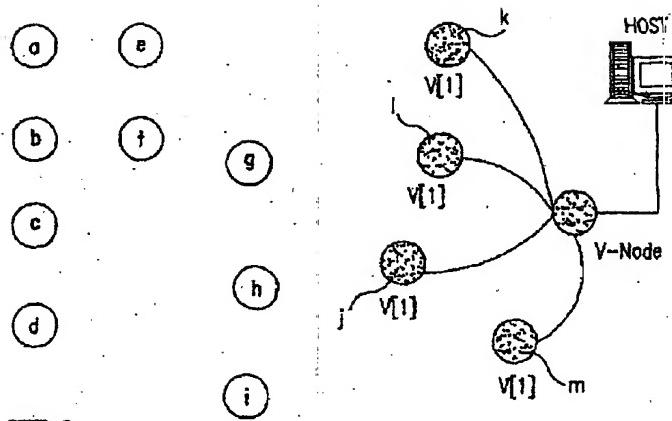


**FIG. 4**

**STEP 1:**

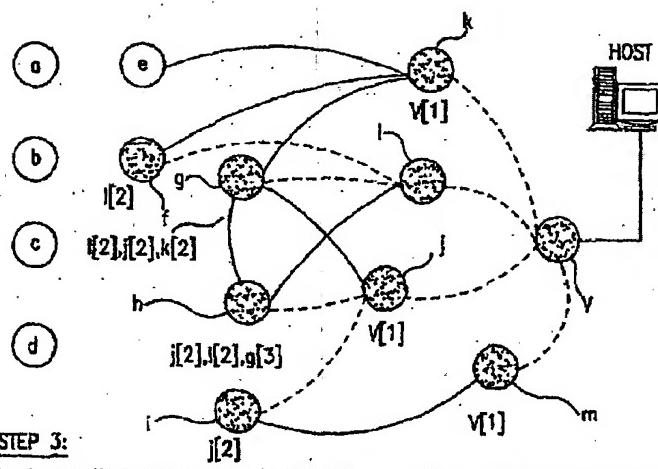
a to m are broadcasting request message after pseudo-random delays. V is broadcasting message identifying itself as a VGATE.

**FIG. 5**

STEP 2:

a to i are still broadcasting request message after pseudo-random delays.  
j, k, l and m have route to VGATE with metric 0 configured.  
V is broadcasting message identifying itself as a VGATE.

**FIG. 6**



a to d are still broadcasting request message after pseudo-random delays.  
e has a route to the VGATE, but the metric for it is too high.  
f,g,h,i have multiple routes(based on metric grayed ones are discarded).  
(primary gateways are sent acknowledgement messages)

V is broadcasting messages identifying itself as a VGATE.

FIG. 7

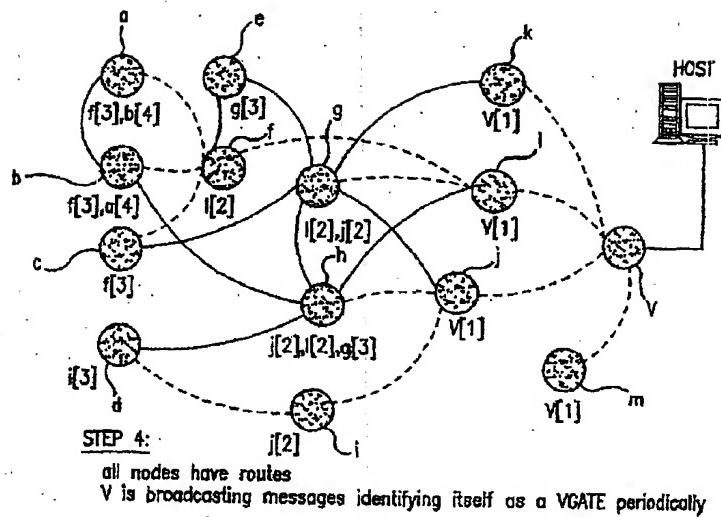


FIG. 8

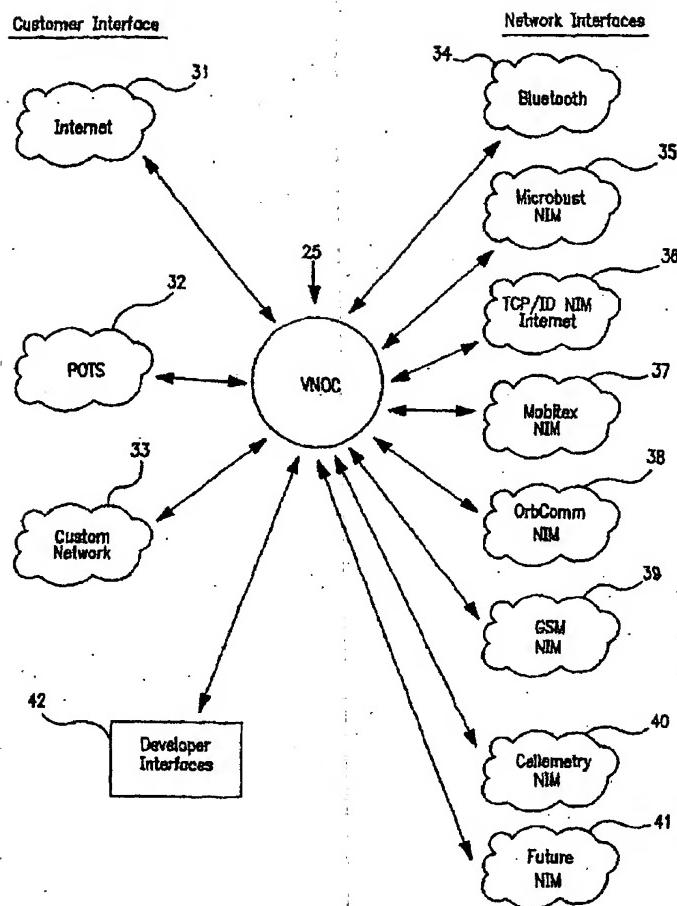


FIG. 9

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

NORTHERN DIVISION

MESH COMM, LLC  
1162 Fairway Gardens  
Atlanta, Georgia 30319

Plaintiff,

v.

PEPCO ENERGY SERVICES  
1300 North 17<sup>th</sup> Street  
Suite 1600  
Arlington, Virginia 22209

and

PEPCO HOLDINGS, INC.  
701 9<sup>th</sup> Street N.W.  
Washington, D.C. 20068

and

SILVER SPRING NETWORKS  
555 Broadway Street  
Redwood City, California 94063

Defendants.

Civil Action No. \_\_\_\_\_

**COMPLAINT FOR PATENT  
INFRINGEMENT**

RDB 09CV2804

**DEMAND FOR JURY TRIAL**

**COMPLAINT**

Plaintiff Mesh Comm, LLC (“Plaintiff”), for its complaint against Defendants PEPCO Energy Services (“PEPCO”), PEPCO Holdings, Inc. (“PHI”), and Silver Spring Networks (“Silver Spring”), collectively as (“Defendants”), hereby demands a jury trial and alleges as follows:

U.S. DISTRICT COURT  
DISTRICT OF MARYLAND  
2009 OCT 27 PM 3:42  
CLERK'S OFFICE  
AT BALTIMORE  
BY DEPUTY

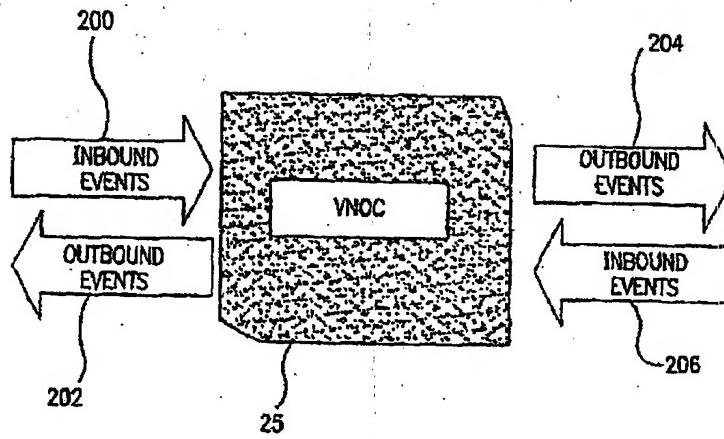


FIG. 10

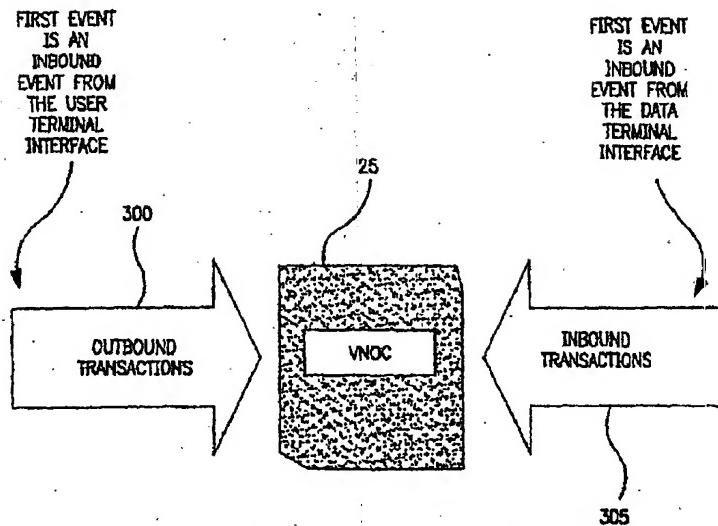


FIG. 11

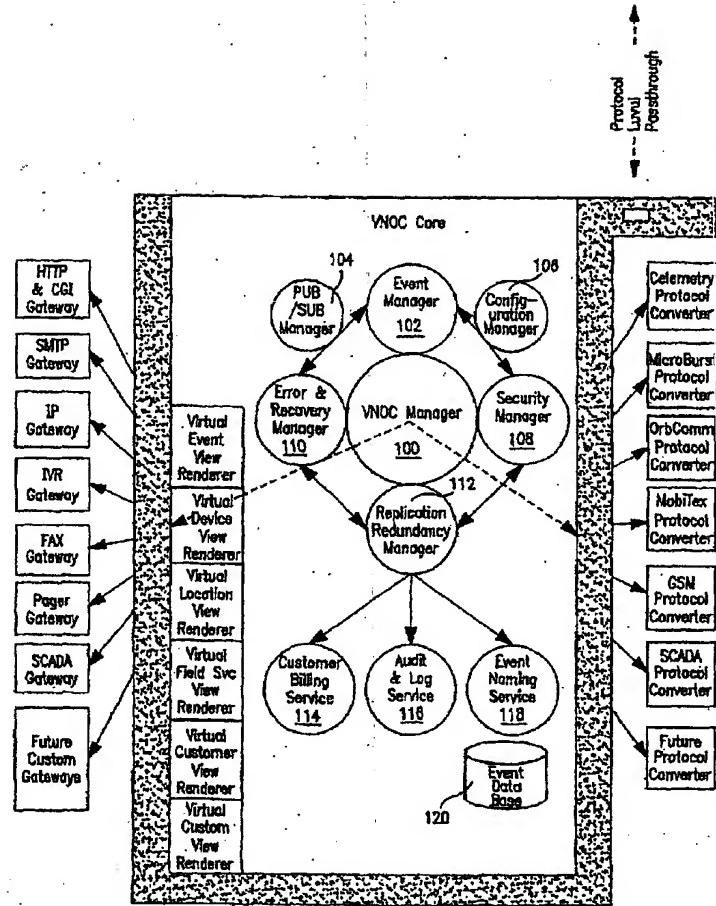
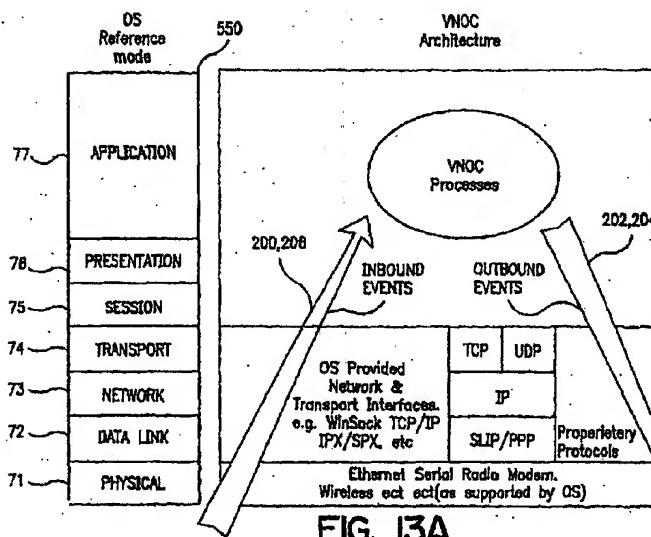
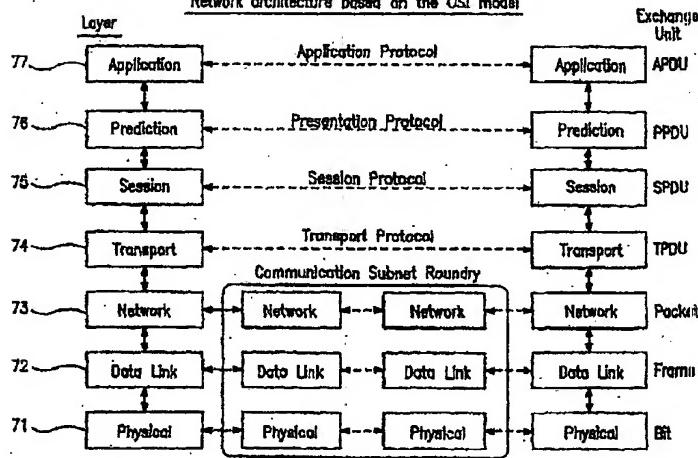


FIG. 12

**FIG. 13A**

Network architecture based on the OSI model

**FIG. 13B**

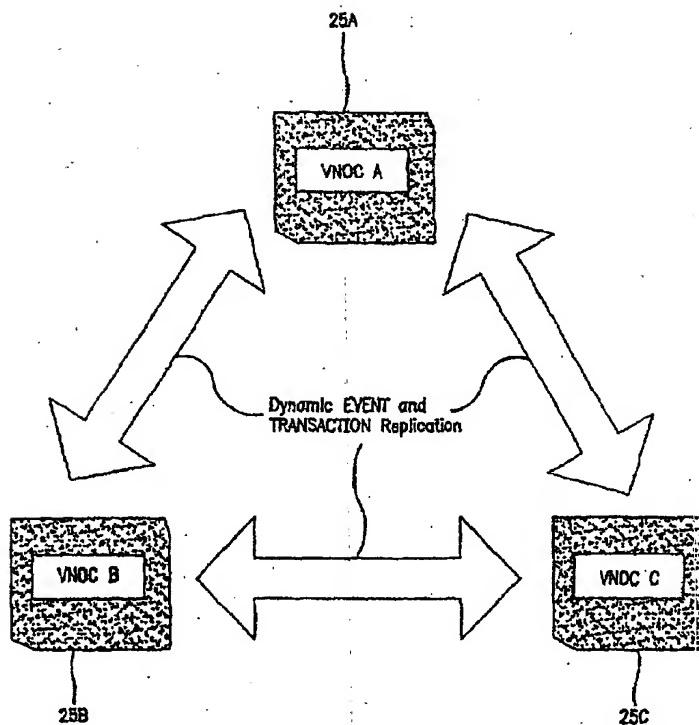


FIG. 14

**PARTIES**

1. Plaintiff Mesh Comm, LLC, is a Limited Liability Company organized under the laws of the State of Delaware having its principal place of business at 1162 Fairway Gardens, Atlanta, Georgia 30319.

2. Upon information and belief, Defendant PEPCO Energy Services is a Delaware Corporation with its headquarters located at 1300 North 17<sup>th</sup> Street, Suite 1600, Arlington, Virginia 22209, and which engages in substantial business activity in the State of Maryland.

3. Upon information and belief, Defendant PEPCO Holdings, Inc. is a Delaware corporation with its headquarters located at 701 9<sup>th</sup> Street N.W., Washington, D.C. 20068. Through its subsidiaries, it generates substantial revenue from business conducted in the State of Maryland.

4. Upon information and belief, Defendant Silver Spring Networks is a Delaware corporation with its principal place of business at 555 Broadway Street, Redwood City, California 94063. It is believed that Defendant Silver Spring Networks sells or leases its products to the PEPCO Defendants for use and business activity in the State of Maryland.

**JURISDICTION AND VENUE**

5. This action arises under the Patent Laws of the United States, 35 U.S.C. §1, et seq. including 35 U.S. §§27(a), 281, 283, 284 and 285.

6. This Court has jurisdiction over this action pursuant to 29 U.S.C. §§ 1331, 1332(a)(1) and 1338(a).

7. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b) and 28 U.S.C. § 1391(b) and (c) as the conduct complained of generally occurred in Maryland.

8. Upon information and belief, Defendants are subject to personal jurisdiction in the State of Maryland by virtue of, among other things, doing substantial business and committing acts of infringement in Maryland including in this Judicial district, through agents and representatives and/or otherwise having substantial contact with this State and this judicial district.

#### **FACTUAL BACKGROUND**

9. On May 27, 2008, United States Patent No. 7,379,981 entitled “WIRELESS COMMUNICATION ENABLED METER AND NETWORK” (the “981 Patent”), was duly and legally issued by the United States Patent and Trademark Office (“USPTO”). A copy of the “981 Patent” is attached hereto as Exhibit A.

10. Mesh Comm, LLC is the assignee of the “981 Patent.”

#### **COUNT ONE**

##### **Infringement of the “981 Patent” by Defendants**

11. Paragraphs 1 through 10 are repeated and incorporated herein by reference as if fully set forth.

12. Upon information and belief, the Defendants have infringed and continue to infringe, either directly or through the doctrine of equivalents, one or more claims of the “981 Patent” by making, using, importing, providing, offering to sell, advertising

and/or selling (directly or through intermediaries), in this District and elsewhere in the United States, wireless communication enabled meters and networks. Upon information and belief, the Defendants have also contributed to the infringement of one or more claims of the "981 Patent," in this District and elsewhere in the United States.

13. Each Defendant's aforesaid activities have been without authority and/or license from Plaintiff.

14. Plaintiff is entitled to recover from each of the Defendants the damages sustained by Plaintiff as a result of the Defendants' wrongful acts in an amount subject to proof at trial.

15. Upon information and belief, the infringement of one or more claims of the "981 Patent" by each of the Defendants is willful and deliberate. Upon information and belief, the inducement and contributory infringement of one or more claims of the "981 Patent" by each of the Defendants is willful and deliberate. As a result, Plaintiff is entitled to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. §285 with respect to these Defendants.

16. Each Defendant's infringement of the "981 Patent" will continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

**WHEREFORE**, Plaintiff prays for a judgment against Defendants on all counts as follows:

A. Finding that PEPCO has infringed, actively induced infringement of, and/or contributorily infringed one or more claims of the "981 Patent;"

- B. Enjoining PEPCO, its officers, agents, attorneys, servants, and those in privity with it, including distributors and customers, from infringing the “981 Patent;”
- C. Awarding damages in an amount adequate to compensate Plaintiff for PEPCO’s infringement of the “981 Patent;”
- D. Finding that Silver Spring Networks has infringed, actively induced infringement of, and/or contributorily infringed one or more claims of the “981 Patent;”
- E. Enjoining Silver Spring Networks, its officers, agents, attorneys, servants, and those in privity with it, including distributors and customers, from infringing the “981 Patent;”
- F. Awarding damages in an amount adequate to compensate Plaintiff for Silver Spring Networks’ infringement of the “981 Patent;”
- G. Finding that PHI has infringed, actively induced infringement of, and/or contributorily infringed one or more claims of the “981 Patent;”
- H. Enjoining PHI, its officers, agents, attorneys, servants, and those in privity with it, including distributors and customers, from infringing the “981 Patent;”
- I. Awarding damages in an amount adequate to compensate Plaintiff for PHI’s infringement of the “981 Patent;”
- J. Awarding enhanced damages pursuant to 35 U.S.C. §284;
- K. Awarding Plaintiff reasonable attorneys’ fees and costs pursuant to 35 U.S.C §285 and Rule 54(d) of the Federal Rules of Civil Procedure;

- L. Awarding prejudgment and post-judgment interest; and,
- M. Granting such other and further relief as the Court deems just and proper.

Dated: October 27, 2009

Respectfully submitted,



/s/ Marc Seldin Rosen

Marc Seldin Rosen, Fed. Bar No.: 02589  
ROSEN & WARSHAW, LLC  
26 South Street  
Baltimore, MD 21202  
Tel: 410-244-1155  
Fax: 410-244-1157  
mrosen@triallaw.com

**JURY TRIAL DEMAND**

Plaintiff requests that this case by tried by jury.



/s/ Marc Seldin Rosen

Marc Seldin Rosen

# **“EXHIBIT A”**

US007379981B2

(12) United States Patent  
Elliott et al.(10) Patent No.: US 7,379,981 B2  
(45) Date of Patent: May 27, 2008

## (54) WIRELESS COMMUNICATION ENABLED METER AND NETWORK

(75) Inventor: Karl E. Elliott, Atlanta, GA (US); Kenneth W. Garrard, 1001 Garden View Dr., #620, Atlanta, GA (US) 30319

(73) Assignee: Kenneth W. Garrard, Atlanta, GA (US)

(\*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 872 days.

(21) Appl. No.: 10/040,150

(22) Filed: Jan. 2, 2002

## (55) Prior Publication Data

US 2002/0094799 A1 Jul. 18, 2002.

(51) Int. Cl.  
G06F 15/177 (2006.01)  
G06F 17/00 (2006.01)

(52) U.S. Cl. .... 709/220; 709/223; 709/231

(58) Field of Classification Search ..... 709/220, 709/223, 249, 224, 231, 245

See application file for complete search history.

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Primary Examiner—Zarni Maung

(74) Attorney, Agent, or Firm—Pillsbury Winthrop Shaw Pittman, LLP

## (57) ABSTRACT

A meter enabled for wireless communication and a wireless communication network are disclosed. A meter enabled for wireless communication comprises a metering device, a wireless communication system and an interface between the two. Meter data can be read, and the meter can be controlled via communication with a wireless network using, e.g., the Bluetooth™ protocol. A self-configuring wireless network is also disclosed. The wireless network includes a number of vnodes, and one or more VGATES. The vnodes are devices that are enabled for wireless communication using, e.g., the Bluetooth™ protocol. Vnodes are operative to form ad hoc picocell connections. The one or more VGATES comprise computer network gateways that are enabled for wireless communication using, e.g., the Bluetooth™ protocol. Thus, the VGATES enable the wireless array of vnodes to communicate with a private or public computer network to transmit data or receive commands. The network may also communicate with a VNOC system. VNOC is a universal communications adapter that enables the wireless array of vnodes to communicate (either directly or through a VGATE) with a central control facility via various wireless or wired communication media.

23 Claims, 14 Drawing Sheets

